



EXPEDITED RULE MAKING

CR-105 (June 2004)
(Implements RCW 34.05.353)
EXPEDITED RULE MAKING ONLY

Agency: Department of Agriculture

Title of rule and other identifying information: (Describe Subject) Chapter 16-409 WAC Standards For Asparagus

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: George Huffman, Rules Coordinator
Agency: Washington Department of Agriculture
Address: Administrative Regulations Program
1111 Washington St. SE
PO Box 42560
Olympia, WA 98504-2560

AND RECEIVED BY May 2, 2005

Purpose of the proposal and its anticipated effects, including any changes in existing rules: RCW 34.05.353(1)(c) allows the Washington State Department of Agriculture (WSDA) to file notice for the expedited adoption of rules if "the proposed rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect." The WSDA has rewritten, reformatted and reorganized chapter 16-409 (Standards for Asparagus) in a clear and readable format so the rule is easier to understand and use. **No new requirements are included in the rewritten chapter 16-409 WAC.**

Reasons supporting proposal: The department believes that the rewritten chapter 16-409 WAC is easier to understand and use and should be a benefit to department inspectors and the Washington state asparagus industry. The rewritten chapter 16-409 WAC is a result of the department's ongoing Executive Order 97-02 rule review effort and complies with the executive order's "clarity criteria".

Statutory authority for adoption: RCW 15.17.030 and RCW 15.17.050 and RCW 34.05.353

Statute being implemented: Chapter 15.17 RCW

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

DATE March 2, 2005

NAME Robert W. Gore

SIGNATURE

TITLE Assistant Director

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAR 2 2005

TIME

WSR

938
05-06-102

AM
PM

(COMPLETE REVERSE SIDE)

Name of proponent: (person or organization) Washington State Department of Agriculture

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting.....Jim Quigley	Olympia, WA	(360) 902-1833
Implementation....Jim Quigley	Olympia, WA	(360) 902-1833
Enforcement.....Jim Quigley	Olympia, WA	(360) 902-1833

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Washington State Department of Agriculture

CR-105 Attachment

Table Explaining Rewritten Chapter 16-409 WAC Standards For Asparagus

CURRENT RULE SECTIONS	PROPOSED RULE SECTIONS	ACTION and COMMENT
WAC 16-409-075 Exemption.		<u>REPEALED SECTION</u> This section was repealed but its content was rewritten, reformatted and renumbered as WAC 16-409-005
	WAC 16-409-005 Must all Washington fresh asparagus comply with Washington state standards?	<u>NEW SECTION</u> This is considered a new section because the department renumbered WAC 16-409-075. The contents of the new WAC 16-409-005 and the old WAC 16-409-075 are the same.
WAC 16-409-015 Definitions.	WAC 16-409-015 What definitions are important to this chapter?	<u>AMENDED SECTION</u> by rewriting the section title in the form of a question, arranged the definitions according to alphabetical order, added definitions for "Department" and "Director" and moved terms like "clean" and "well trimmed" from other parts of the chapter into the definition section
WAC 16-409-020 Washington standards -- Grades.	WAC 16-409-020 What standards apply to all asparagus marketed within Washington State?	<u>AMENDED SECTION</u> by moving much of its content into the new section WAC 16-409-022
	WAC 16-409-022 What grades are used to identify asparagus in Washington state?	<u>NEW SECTION</u> To improve clarity, grade requirements were put into a separate WAC section and presented in a tabular format. The content is the same as what was contained in the old WAC 16-409-020. There are no new requirements.
WAC 16-409-060 Washington standards -- Size designations.		<u>REPEALED SECTION</u> This section was repealed but its content was rewritten, reformatted and renumbered as WAC 16-409-024
	WAC 16-409-024 What are the size requirements for Washington asparagus grades?	<u>NEW SECTION</u> This is considered a "new section" because the department renumbered the old section WAC 16-409-060. The content has not been changed; it has just been presented in a tabular format so it is easier to use.
WAC 16-409-085 Adoption of United States standards as Washington state standards.		<u>REPEALED SECTION</u> This section was repealed but its content was rewritten, reformatted and renumbered as WAC 16-409-026
	WAC 16-409-026 Does the department adopt U.S. standards for fresh asparagus as Washington state standards?	<u>NEW SECTION</u> This is considered a "new section" because the department renumbered the old section WAC 16-409-085. The content has not been changed.
WAC 16-409-030 Tolerances for defects, color, diameter and trim.	WAC 16-409-030 What tolerances are adopted for Washington asparagus?	<u>AMENDED SECTION</u> by rewriting the section title in the form of a question and presenting the section content in a table format. There are no changes in requirements.

CURRENT RULE SECTIONS	PROPOSED RULE SECTIONS	ACTION and COMMENT
WAC 16-409-035 Application of tolerances.	WAC 16-409-035 How does the department apply its asparagus tolerances during an inspection?	<u>AMENDED SECTION</u> by rewriting the section title in the form of a question and rewriting the section content to improve clarity. There are no changes in requirements.
WAC 16-409-065 Containers.	WAC 16-409-065 What requirements apply to the containers used to market fresh asparagus?	<u>AMENDED SECTION</u> by rewriting the section title in the form of a question and presenting the section content in a table format. There are no changes in requirements.
WAC 16-409-070 Marking requirements.	WAC 16-409-070 What marking requirements apply to fresh asparagus containers?	<u>AMENDED SECTION</u> by rewriting the section title in the form of a question and rewriting the section content to improve clarity. There are no changes in requirements.